



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/660,898      | 09/11/2003  | Vijayeshwar D. Khanna | HSJ920030121US1     | 6376             |

7590 04/18/2006  
John L. Rogitz  
Rogitz & Associates  
Suite 3120  
750 B Street  
San Diego, CA 92101

EXAMINER

SNIEZEK, ANDREW L

ART UNIT PAPER NUMBER

2627

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/660,898

**Applicant(s)**KHANNA ET AL. *K***Examiner**

Andrew L. Sniezek

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 9/11/03 has been considered.

### ***Drawings***

2. The drawings filed 9/11/03 are acceptable to the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 7, 10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (U.S. Patent # 5,903,409).

Re claim 1: Allen et al. teaches a disk drive controller (inherent for controlling all read/write operations) including establish an active region where the effects of mechanical shock during reading/writing are mitigated (areas of the disk that do not correspond to locations of raised areas, for example 15, 17 and 19 as depicted in figure 3) and areas other than the active regions are satisfied by areas on the disk corresponding to the raised areas. Clearly data is stored in the active region.

Re claim 3: Figure 3 depicts an active region of disk (adjacent the slider) as being on the inner region of the disk.

Re claim 5: Note the locations of raised areas effectively define location of the active areas (locations other than the raised areas).

Re claim 7 and 12: This claim in addition to that discussed above with respect to claim 1 includes means language defining the active region which is interpreted as meaning structure that limits the movement (motion) of the actuator. This is satisfied by the raised element(s) as taught by Allen et al. Areas other than adjacent the raised areas are considered active areas. The means for writing data is considered to be a write head satisfied by write head in Allen et al.

Re claim 10: as shown in figure 3 active regions are present at the outer region as well as the inner region of the disk.

***Claim Rejections - 35 USC § 103***

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 8, 9, 11, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. in view of Smith (U.S. Pub. No 2002/0186492 A1).

The teaching of Allen et al. is discussed above and incorporated herein. This teaching substantially teaches the invention as set forth in claims 13-14 and 17

Claim 13 additionally sets forth a archive region which although not taught by Allen et al. is taught by Smith (summary of invention along with figures 4a and 4b to increase the life of the disk. . It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Allan et al. when achieving data to increase the life of the disk.

Claims 2, 9 and 16: additionally sets forth moving data from an active region to an archive region based on at least one of recency of last access, whether a time for achieving has occurred and whether a motion sensing threshold is reached. Although not taught by Allen et al. such a feature is well known in the art as taught by Smith (see tables in figure 4a and 4b) to increase the life of the disk. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Allan et al. when achieving data to increase the life of the disk.

Re claims 4, 8, 11, 15 and 18: Note summary of the invention in Smith, which would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Allan et al. when achieving data to increase the life of the disk.

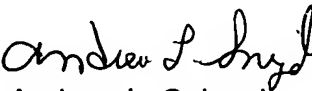
Art Unit: 2627

Re claim 6: Note figure 3a of Smith that takes into account thresholds which would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Smith into the arrangement of Allan et al. when achieving data to increase the life of the disk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2627

A.L.S.  
4/6/06